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Counsel for Plaintiffs and the Class

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RICARDO VILLALOBOS AND
JEREMY ADAMS, individually, and
on behalf of all others similarly situated,

Plaintiffs,

v.

VOLKSWAGEN GROUP OF
AMERICA, INC., AUDI OF
AMERICA, LLC, and SANCTUS, LLC
d/b/a SHIFT DIGITAL,

Defendants.

[Caption continued on next page]

Case No. 2:21-cv-13049-JMV-JBC
**STIPULATION AND
[PROPOSED] ORDER TO
CONSOLIDATE ACTIONS AND
SET SCHEDULING DEADLINES**

JOHN HAJNY, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

VOLKSWAGEN GROUP OF
AMERICA, INC., AUDI OF
AMERICA, LLC, and SANCTUS,
LLC d/b/a SHIFT DIGITAL,

Defendants.

Case No. 2:21-cv-13442-JMV-JBC

WHEREAS, there are currently two related putative class actions pending before this Court in the U.S. District Court for the District of New Jersey: *Villalobos, et al. v. Volkswagen Group of America, Inc., et al.*, Case No. 2:21-cv-13049-JMV-JBC (filed June 28, 2021) (“*Villalobos*”); and *Hajny. v. Volkswagen Group of America, Inc., et al.*, Case No. 2:21-cv-13442-JMV-JBC (filed July 8, 2021) (“*Hajny*” and, together with *Villalobos*, the “Related Actions”);

WHEREAS, Plaintiffs in the Related Actions agree that consolidation is appropriate under Fed. R. Civ. P. 42(a) because they involve common questions of law or fact, name common defendants, arise from the same events, and assert overlapping claims;

WHEREAS, consolidation will eliminate duplicative discovery, the possibility of inconsistent rulings on class certification, *Daubert* motions, and other pretrial matters, and conserve judicial and party resources;

WHEREAS, defendants Volkswagen Group of America, Inc., Audi of America, LLC, and Sanctus, LLC d/b/a Shift Digital (collectively, the “Defendants”) do not oppose procedural consolidation of the Related Actions for pre-trial purposes under Fed. R. Civ. P. 42(a);

NOW THEREFORE, the Parties through their respective counsel and subject to the Court’s approval hereby stipulate that:

1. The Related Actions currently pending in this District, and any other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this District, shall be consolidated for pre-trial purposes pursuant to Fed. R. Civ. P. 42(a) before the Honorable John Michael Vazquez (hereafter the “Consolidated Action”).

2. All papers filed in the Consolidated Action shall be filed under Case No. 2:21-cv-13049-JMV-JBC and shall bear the following caption:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VOLKSWAGEN GROUP OF
AMERICA, INC. DATA INCIDENT
LITIGATION

Master File No. 2:21-cv-13049-JMV-JBC

3. Any action subsequently filed in, transferred to, or removed to this District that arises out of the same or similar operative facts as the Consolidated

Action will be consolidated with it for pre-trial purposes. The parties shall file a Notice of Related Case pursuant to L. Civ. R. 40.1(c) whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on Plaintiff's counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendants in the new case;
- and
- d. make the appropriate entry in the Master Docket.

4. Defendants expressly reserve and do not waive their rights as to any motions, objections, challenges, or responsive pleadings.

5. Initial deadlines for the Consolidated Action are as follows:

- a. Plaintiffs shall file a Consolidated Complaint within thirty (30) days of entry of the order approving this stipulation;
- b. Defendants need not file a response to the complaint in each Related Action and instead will answer, move or otherwise respond to the Consolidated Complaint no later than forty-five (45) days from the filing of the Consolidated Complaint;

- c. Plaintiffs' opposition to Defendants' motion to dismiss shall be filed within forty-five (45) days from the filing of Defendants' motion to dismiss;
- d. Defendants' reply in further support of their motion to dismiss shall be filed within twenty-one (21) days from the filing of Plaintiffs' opposition to the same; and
- e. If the Consolidated Complaint is subsequently amended, whether to add new parties, to consolidate any future-filed Related Action with the Consolidated Action, or for any other reason, the time periods set forth in Paragraphs 6(b)–(d) shall apply to any such amended Consolidated Complaint.

IT IS SO STIPULATED.

DATED: September 9, 2021

Respectfully submitted,

Attorneys for Plaintiffs:

Attorneys for Defendants:

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By, /s/ Mark C. Errico
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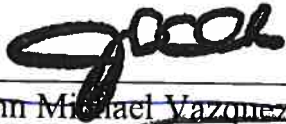
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*Attorneys for Defendant Sanctus, LLC
d/b/a Shift Digital*

[Proposed] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.



Hon. John Michael Vazquez
United States District Court Judge

Dated: Sept. 14th, 2021

James B. Clark, U.S.M.J